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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,228	10/06/2003	Darrin Eugene Smith	3918-0156P	1580

2292 7590 06/03/2005

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EXAMINER	
BLAKE, CAROLYN T	

ART UNIT	PAPER NUMBER
3724	

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/678,228	SMITH, DARRIN EUGENE	
	Examiner	Art Unit	
	Carolyn T Blake	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-32 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-32 is/are rejected.

7)☒ Claim(s) 1, 12 is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 06 October 2003 is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 46, 62.

2. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following:

- Page 6, line 2: A period should be added to the end of the sentence.

Appropriate correction is required.

Claim Objections

4. Claim 1 is objected to because of the following:

- Line 1: "the angle" lacks proper antecedent.

- Line 1: "the working surface" lacks proper antecedent.

Appropriate corrections are required.

5. Claim 12 is objected to because of the following:

- Line 1: "the angle" lacks proper antecedent.
- Line 1: "the working surface" lacks proper antecedent.

Appropriate corrections are required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-9 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Hedgpeth (2,237,556).

Regarding claim 1, Hedgpeth discloses a guide for controlling the angle of stock on the working surface (14) of a workbench (12), said guide comprising: a base; a guide (88/92) rod to which said base is slidably mounted such that said base is movable relative to said working surface (14); and a rotary element (24) rotatable relative to said base and having a backing block (98) for supporting said stock.

Regarding claim 2, Hedgpeth discloses said guide rod (88/92) is movable relative to said working surface (14); and means (56) for releasably preventing said guide rod (88/92) from moving.

Regarding claim 3, Hedgpeth discloses means for releasably preventing said rotary element (24) from rotating relative to said base.

Regarding claim 4, Hedgpeth discloses a slider having a sliding tube (94) provided with an internal passageway in which said guide rod (88/92) is received said base being connected to said slider.

Regarding claim 5, Hedgpeth discloses said slider is pivotal relative to said guide rod (88/92) such that said base can be swung away from said working surface (143) when said backing block (98) is releasably slidable relative to said rotary element (24).

Regarding claim 6, Hedgpeth discloses said backing block (98) is releasably slidable relative to said rotary element (24).

Regarding claim 7, Hedgpeth discloses said rotary element (24) is no lower than said base and said base has a lower wall which is spaced above said working surface (14).

Regarding claim 8, Hedgpeth discloses said rotary element (24) has a scale (72) for measuring the angle of the element relative to a given line of reference.

Regarding claim 9, Hedgpeth discloses a movable stop (93) for limiting the length of travel of the slider (94).

Regarding claim 17, Hedgpeth discloses a guide for controlling the angle of stock on the working surface (14) of a workbench (12), said guide comprising: a base movable relative to said working surface (14); a rotary element (24) rotatable relative to said base and having a backing block (98) for supporting said stock, said backing block

(98) being releasably slidable relative to said rotary element (24); and means (56) for releasably preventing said rotary element (24) for rotating relative to the base.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 10, 11, and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hedgpeth as applied to claim 1 above, and further in view of Fontaine (6,691,423). Hedgpeth fails to disclose a detent. However, Fontaine discloses a guide for controlling the angle of stock wherein a rotary element (14) is provided with a detent (32) which causes said rotary element to move in predetermined increments as it rotates. Furthermore, Fontaine discloses means for disengaging said detent (32). See col. 3, lines 22-42. The detent comprises a ball (52) biased by resilient means (spring) into contact with said rotary element (14), said rotary element (14) having a plurality of openings (32a, 32b, etc.) each of which being adapted to receive said ball (52), said ball (52) received in any one of said openings (32a, 32b) serving to inhibit the rotation of said rotary element (14) relative to the base. Fontaine discloses a plate pivotal from a detent-disengaging position in which said plate prevents said ball (52) from entering said openings (32a, 32b) to a detent-engaging position in which said ball (52) is free to enter said openings (32a, 32b). The detents (32) act as stops for limiting plate pivot. The detent mechanism allows the operator to choose a

particular angle and lock the angle choice in place. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a detent mechanism, as disclosed by Fontaine, on the Hedgpeth device for the purpose of choosing a particular angle.

10. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hedgpeth in view of Fontaine.

Regarding claim 12, Hedgpeth discloses a guide for controlling the angle of stock on the working surface (14) on a workbench (12), said guide comprising: a base movable relative to said working surface (14); and a rotary element (24) rotatable relative to said base and having a backing block (98) for supporting said stock. Hedgpeth fails to disclose a detent. However, Fontaine discloses a guide for controlling the angle of stock wherein a detent (32) on a rotary element (14) causes the rotary element (14) to move in predetermined increments as it rotates, and means for disengaging said detent (32). The detent mechanism allows the operator to choose a particular angle and lock the angle choice in place. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a detent mechanism, as disclosed by Fontaine, on the Hedgpeth device for the purpose of choosing a particular angle.

Regarding claim 13, Hedgpeth discloses said base has a scale (72) to permit fine adjustment of said rotary element (24).

11. Claims 18-26 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berkel (2,196,371) in view of Hedgpeth.

Regarding claim 18, Berkel discloses a guide for controlling stock on the working surface (2) of a workbench equipped with a fence (unnumbered, see *Figures* section), said guide comprising: a base (5); a guide rod (unnumbered, see *Figures* section) mounted to said fence and to which said base (5) is slidably mounted such that said base (5) is movable relative to said working surface (2). Berkel fails to disclose a rotary element. However, Hedgpeth discloses a rotary element (24) having a backing block (98). The rotary element allows for angular adjustment of the work piece being cut. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a rotary element, as disclosed by Hedgpeth, on the Berkel base for the purpose of angular adjustment of the work piece during cutting.

Regarding claim 19, Berkel discloses the guide rod is movable relative to said working surface (2).

Regarding claim 20, Hedgpeth discloses means (56) for releasably preventing said rotary element (24) from rotating relative to said base.

Regarding claim 21, Berkel discloses a slider (unnumbered, see *Figures* section) having a sliding tube (unnumbered, see *Figures* section) in which said guide rod is received, said base (5) being connected to said slider.

Regarding claim 22, Berkel discloses said slider is pivotal relative to said guide rod such that said base (5) can be swung away from said working surface (2) when said backing block is not required to support said stock.

Regarding claim 23, Hedgpeth discloses the backing block (98) is releasably slidable relative to said rotary element (24).

Regarding claim 24, Hedgpeth discloses the rotary element (24) is no lower than the base and the base has a lower wall which is spaced above said working surface.

Regarding claim 25, Hedgpeth discloses the rotary element (24) has a scale (72) for measuring the angle of the element relative to a given line of reference.

Regarding claim 26, Berkel discloses a movable stop (unnumbered, see *Figures* section) for limiting the length of travel of the slider. Note the stop moves with working surface (2) on guides (4).

Regarding claim 29, Hedgpeth disclose a scale (72) to permit fine adjustment.

12. Claims 27, 28, and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berkel in view of Hedgpeth as applied to claim 18 above, and further in view of Fontaine. The Berkel-Hedgpeth combination fails to disclose a detent. However, Fontaine discloses a guide for controlling the angle of stock wherein a rotary element (14) is provided with a detent (32) which causes said rotary element to move in predetermined increments as it rotates. Furthermore, Fontaine discloses means for disengaging said detent (32). See col. 3, lines 22-42. The detent comprises a ball (52) biased by resilient means (spring) into contact with said rotary element (14), said rotary element (14) having a plurality of openings (32a, 32b, etc.) each of which being adapted to receive said ball (52), said ball (52) received in any one of said openings (32a, 32b) serving to inhibit the rotation of said rotary element (14) relative to the base. Fontaine discloses a plate pivotal from a detent-disengaging position in which said plate prevents said ball (52) from entering said openings (32a, 32b) to a detent-engaging position in which said ball (52) is free to enter said openings (32a, 32b). The detents (32) act as

stops for limiting plate pivot. The detent mechanism allows the operator to choose a particular angle and lock the angle choice in place. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a detent mechanism, as disclosed by Fontaine, on the Hedgpeth device for the purpose of choosing a particular angle.

Figures

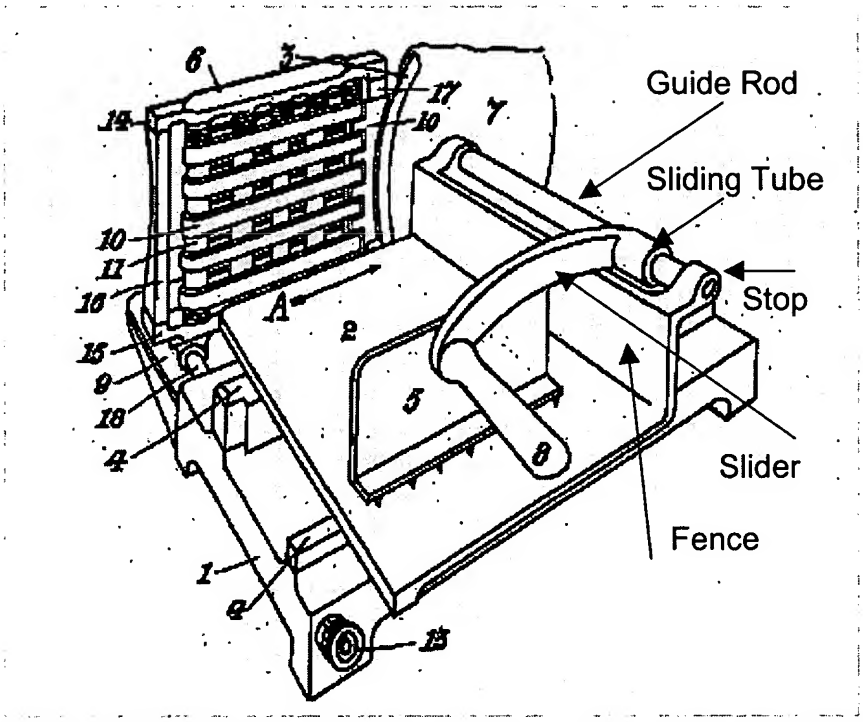

FIG A: US Patent 2,196,371 to Berkel, FIG 1. Lead lines and words added by examiner.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Birgo (2,169,517 and 3,240,244), Shepp (2,785,709), Vold (3,083,744), Thomas (4,887,653), Ducate, Sr. (5,038,486), and Cole (5,735,054) disclose guides.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn T Blake whose telephone number is (571) 272-4503. The examiner can normally be reached on Monday to Friday, 8:00 AM to 5:30 PM, alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CB
May 26, 2005

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